



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

EDWARD DRUMMOND,
Plaintiff,

vs.

SARGENT BLACKWELL, Kitchen;
MAJOR NEAL URCH, Director;
ASLEY MCCANN, Legal; DET. BROCK;
and DET. REYES,
Defendants.

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CIVIL ACTION NO. 5:15-4713-MGL-KDW

ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AS TO
PLAINTIFF'S CLAIMS FOR ACCESS TO COURTS AND MEDICAL INDIFFERENCE
AND DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
AS TO PLAINTIFF'S CLAIMS RELATED TO DUE PROCESS,
AND DENYING PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Defendants' motion for summary judgment be granted as to Plaintiff's claims for denial of access to courts and medical indifference; and denied as to Plaintiff's claims related to due process and that Plaintiff's motion for injunctive relief be denied. The Magistrate Judge also suggests Defendants be provided an opportunity to submit additional briefing concerning Plaintiff's housing/classification and conditions of confinement claims in light of *Dilworth v. Adams*, 841 F.3d 246 (4th Cir. 2016). The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on December 27, 2016, and the Clerk of Court entered Plaintiff's objections on January 3, 2017. The Court has carefully considered the objections, but holds them to be without merit. Therefore, it will enter judgment accordingly.

Plaintiff fails to lodge any specific objections to the Report; and the Court is unable to locate any clear error in the Report. To the extent Plaintiff seeks to amend his pleadings, the Court will allow the Magistrate Judge to make that determination in the first instance.

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court Defendants' motion for summary judgment is **GRANTED** as to Plaintiff's claims for denial of access to courts and medical indifference, and **DENIED** as to Plaintiff's claims related to due process; and Plaintiff's motion for injunctive relief is **DENIED**.

As per the Magistrate Judge's suggestion Defendants shall be provided an opportunity to submit additional briefing concerning Plaintiff's housing/classification and conditions of confinement claims in light of *Dilworth*. The Court will leave the briefing schedule of these matters to the sound discretion of the Magistrate Judge.

IT IS SO ORDERED.

Signed this 25th day of January, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.